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1	KAMALA D. HARRIS Attorney General of California
2	ARTHUR D. TAGGART Supervising Deputy Attorney General
3	KAREN R. DENVIR Deputy Attorney General
4	State Bar No. 197268
5	1300 I Street, Suite 125 P.O. Box 944255
6	Sacramento, CA 94244-2550 Telephone: (916) 324-5333
7	Facsimile: (916) 327-8643 Attorneys for Complainant
8	BEFORE THE
.9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2011 - 997
12	HEIDI LYN GRIEPP 18681 Joplin Avenue
13	Lakeville, MN 55044 ACCUSATION
14	Registered Nurse License No. 750097
15	Respondent.
16	
17	Complainant alleges:
18	PARTIES
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21	Department of Consumer Affairs.
22	Registered Nurse License
23	2. On or about May 5, 2009, the Board issued Registered Nurse License Number
24	750097 to Heidi Lyn Griepp ("Respondent"). The registered nurse license was in full force and
25	effect at all times relevant to the charges brought herein and will expire on September 30, 2012,
26	unless renewed.
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STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct...,
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

- 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f) in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, or duties of a registered nurse:
- a. On or about November 19, 2009, in the State of Minnesota, County of Dakota, District Court, First Judicial District, in the matter entitled *State of Minnesota vs. Heidi Griepp*, 2009, Case No. 19HA-CR-09-4092, Respondent was convicted following her plea of guilty to a violation of 169A.20, subdivision (1)(5) (operate a motor vehicle with alcohol concentration of over .08% within 2 hours), a gross misdemeanor. The circumstances of the crime are that on September 10, 2009, Respondent was arrested for driving under the influence of alcohol. Respondent's blood alcohol level measured .27% and .23%.

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime Involving Alcohol)

9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (c), in that Respondent has been convicted of a crime involving the consumption of alcohol, as more particularly set forth in paragraph 8, above.

THIRD CAUSE FOR DISCIPLINE

(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)

10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (b), in that on or about September 10, 2009, Respondent used alcohol to an extent or in a manner

1	dangerous or injurious to herself or others, as more particularly set forth in paragraphs 8 and 9,
2	above.
3	PRAYER
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5	and that following the hearing, the Board of Registered Nursing issue a decision:
6	1. Revoking or suspending Registered Nurse License Number 750097, issued to Heidi
7	Lyn Griepp;
8	2. Ordering Heidi Lyn Griepp to pay the Board of Registered Nursing the reasonable
9	costs of the investigation and enforcement of this case, pursuant to Business and Professions
0	Code section 125.3; and,
1	3. Taking such other and further action as deemed necessary and proper.
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.4	DATED: June 21, 2011 Louise & Barley
15	LØUISE R. BAILEY, M.ED., RN Executive Officer
16	Board of Registered Nursing Department of Consumer Affairs
17	State of California Complainant
18	Comptantant
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